

Absent-excused: Caperton, Williams.

The bill was read third time and was passed.

SENATE RULE 103 SUSPENDED

On motion of Senator Truan and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider S.B. 325 at 2:00 o'clock p.m. today.

MEMORIAL RESOLUTION

S.C.R. 26 - By Farabee: Memorial resolution for former State Representative John A. Atchison.

CONGRATULATORY RESOLUTIONS

S.R. 98 - By Caperton: Extending congratulations to Mr. and Mrs. Herman F. Koehn.

S.R. 99 - By Caperton: Extending congratulations to Mr. and Mrs. Willie Vykukal.

S.R. 100 - By Caperton: Extending congratulations to Mr. and Mrs. Johnnie Owens.

S.R. 101 - By Caperton: Extending congratulations to Mr. and Mrs. Reuben Walker.

S.R. 102 - By Caperton: Extending congratulations to Mr. and Mrs. Henry Viktorin.

S.R. 103 - By Caperton: Extending congratulations to Mr. and Mrs. Howard L. Griswold.

S.R. 104 - By Caperton: Extending congratulations to Mr. and Mrs. Cleaver Kennedy.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:46 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

THIRTEENTH DAY (Thursday, February 3, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

A quorum was announced present.

Pastor Karl Gronberg, Gethsemane Lutheran Church, Austin, offered the invocation as follows:

God of our fathers and mothers—
we live and move through Your grace.

You appoint unto us the privilege and responsibilities
of life—we express to You our gratitude.

We invoke Your blessing upon this assembly—
may there be honest expressions of truth.

Grant unto these Your children—chosen by the
people to serve in positions of honor and
responsibility the enlightenment of Your Spirit.
May they know and express the wisdom that
comes only from You.

May freedom and justice be not words but realities
upheld and manifested by our society for all
the world to see as we work with all
of our energy for peace in our day.

Hear these our humble supplications—
In Your Holy name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the
Journal of the proceedings of yesterday was dispensed with and the Journal was
approved.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State
Affairs:

S.B. 236

C.S.S.B. 225 (Read first time)

Senator Santiesteban submitted the following report for the Committee on
Natural Resources:

S.B. 252

S.B. 101

C.S.S.B. 231 (Read first time)

Senator Traeger submitted the following report for the Committee on
Intergovernmental Relations:

S.B. 34

S.B. 164

S.B. 224

CO-AUTHOR OF SENATE BILL 29

On motion of Senator Traeger and by unanimous consent, Senator
Washington will be shown as Co-author of S.B. 29.

CO-AUTHOR OF SENATE BILL 219

On motion of Senator Caperton and by unanimous consent, Senator Williams
will be shown as Co-author of S.B. 219.

CO-AUTHOR OF SENATE BILL 221

On motion of Senator Caperton and by unanimous consent, Senator Williams
will be shown as Co-author of S.B. 221.

CO-AUTHOR OF SENATE BILL 231

On motion of Senator Brown and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 231.

CO-AUTHOR OF SENATE BILL 271

On motion of Senator Montford and by unanimous consent, Senator Traeger will be shown as Co-author of S.B. 271.

CO-AUTHOR OF SENATE BILL 287

On motion of Senator Traeger and by unanimous consent, Senator Henderson will be shown as Co-author of S.B. 287.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 321 by Lyon, Glasgow Natural Resources
Relating to the slaughter of horses; providing a penalty.

S.B. 322 by Lyon State Affairs
Relating to the substantive revision of civil and criminal laws concerning driving while intoxicated.

S.B. 323 by Lyon Jurisprudence
Relating to consent as a defense to assaultive conduct.

S.B. 324 by Howard State Affairs
Creating offenses involving the unauthorized use of the insignia and name of certain state law enforcement agencies; providing penalties.

S.B. 326 by Leedom Education
Relating to false information given and certain guardianships created that affect a student's eligibility for enrollment in a school or school district.

S.B. 327 by Leedom Education
Relating to a transcript form for distinguishing the academic achievement record of a student who has completed an advanced high school program.

S.B. 328 by Williams State Affairs
Relating to exemption of certain personally owned aircraft from ad valorem taxation and from forced sale for debt.

S.B. 329 by Edwards Health and Human Resources
Relating to the membership, functions, and continuation of the Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons.

S.B. 330 by Glasgow Economic Development
Relating to the limit on the amount of insurance coverage for a debtor under group life insurance.

S.B. 331 by Glasgow Economic Development
Relating to exemption of certain persons, banks, savings and loan associations, and credit unions from laws regulating the financing of insurance premiums.

S.B. 332 by Glasgow Economic Development
Relating to exclusion of credit insurance from the Texas Property and Casualty Insurance Guaranty Act.

- S.B. 333** by Glasgow Economic Development
Relating to the status of certain decisions, regulations, orders, rules, acts, and administrative rulings of the State Board of Insurance on the filing of certain court appeals.
- S.B. 334** by Glasgow Economic Development
Relating to the definition of contractual obligations as it applies under laws governing the Life, Accident, Health and Hospital Service Insurance Guaranty Association.
- S.B. 335** by Parmer Jurisprudence
Relating to criminal complaints for parking offenses; adding Subsection (d), Article 27.14, Code of Criminal Procedure, 1965, as amended.
- S.B. 336** by Uribe Education
Relating to the students served, the taxes levied, and the educational and training programs conducted by a rehabilitation school district.
- S.B. 337** by Truan Education
Relating to the rate at which the state reimburses school districts for approved sick leave of professional personnel.
- S.B. 338** by Uribe, Doggett, Mauzy, Truan Jurisprudence
Relating to application of the workers' compensation law to farm and ranch laborers.
- S.B. 339** by Uribe, Sharp Natural Resources
Relating to the powers of navigation districts; amending Section 60.101 of the Texas Water Code.
- S.B. 340** by Caperton, Brooks Jurisprudence
Relating to continuing legal education for judges and personnel of the municipal courts and its funding, to placing certain duties on the Texas Judicial Council and certain municipal officials, and to requiring audits of funds; amending Chapter 418, Acts of the 65th Legislature, Regular Session, 1977 (Article 1200f, Vernon's Texas Civil Statutes), and amending Article 1000, Revised Statutes.
- S.B. 341** by Caperton Finance
Directing and authorizing the Board of Regents, Texas State University System, to replace and repair fire-damaged structures and sites at Sam Houston State University and appropriating funds for such projects.
- S.B. 342** by Caperton, Parker Economic Development
Relating to petroleum marketing franchises and to the prohibition of certain practices relating to those franchises; providing penalties.
- S.B. 343** by McFarland Jurisprudence
Relating to the period of limitation applicable to a prosecution for certain offenses involving sexual conduct.
- S.B. 344** by Traeger Economic Development
Relating to the certification of self-insurance programs for workers' compensation insurance.
- S.B. 345** by Montford Finance
Relating to an appropriation to Texas Tech University for snowstorm damage to the Livestock Pavilion.
- S.B. 346** by Traeger Intergovernmental Relations
Relating to the commissioning and employment of peace officers by municipal power agencies.

S.B. 347 by Whitmire Intergovernmental Relations
Relating to the creation of the County Criminal Courts at Law Nos. 11 and 12 of Harris County, Texas; defining the jurisdiction of the courts; fixing terms; providing for the appointment and election, terms of office, qualifications, and compensation of judges; providing for transfer of cases, exchange of benches and judges; providing the duties of the officers of the court and necessary personnel; making other provisions relative to the courts; providing a severability clause; and declaring an emergency.

S.B. 348 by Whitmire State Affairs
Relating to exemption of certain personally owned boats from ad valorem taxation.

S.B. 349 by Whitmire Jurisprudence
Relating to the definition of the terms "spouse" and "wife" for the purpose of defining certain sexual offenses.

S.B. 356 by Jones Economic Development
Relating to group health insurance for public school employees and retirees.

S.J.R. 10 by Whitmire State Affairs
Proposing a constitutional amendment relating to the exemption from ad valorem taxation of boats owned by individuals.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Subcommittee on Nominations:

Austin, Texas
February 3, 1983

TO THE SENATE OF THE SIXTY-EIGHTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE STATE PENSION REVIEW BOARD:

For a term to expire January 31, 1989:

DR. ROBERT LYLE ROUSE, of Lubbock, Lubbock County, Texas whose appointment was returned to this Governor and is being resubmitted to fill the unexpired term of Dean Gorham as an active member of a public retirement system.

TO BE A MEMBER OF THE TEXAS AERONAUTICS COMMISSION:

For a term to expire December 31, 1988:

WARREN C. HARMON

3711 Sunnybrook Lane

Bryan, Texas

who is replacing Maxey R. Grossenbacher of Rio Hondo, Cameron County, Texas, whose appointment was returned to this Governor.

Respectfully submitted,

/s/Mark White

Governor of Texas

GUESTS PRESENTED

Senator Caperton was recognized and presented to the Members of the Senate students representing the Memorial Student Center Political Forum from Texas A&M University.

**APPEARANCE OF NOMINEE BEFORE
SUBCOMMITTEE ON NOMINATIONS WAIVED**

On motion of Senator Brooks and by unanimous consent, the scheduled appearance on February 8, 1983, of Justice Jack Pope, appointed to be Chief Justice of the Supreme Court, was waived.

**SUBCOMMITTEE ON NOMINATIONS
GRANTED PERMISSION TO MEET**

On motion of Senator Howard and by unanimous consent, the Subcommittee on Nominations was granted permission to meet at Senator Howard's desk.

AT EASE

The President at 11:18 o'clock a.m. announced the Senate would stand At Ease pending the completion of the meeting of the Subcommittee on Nominations.

IN LEGISLATIVE SESSION

The President at 11:22 o'clock a.m. called the Senate to order as In Legislative Session.

**SESSION TO CONSIDER EXECUTIVE
APPOINTMENTS**

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given by Senator Howard yesterday.

Senator Howard moved confirmation of the nominees reported yesterday by the Subcommittee on Nominations.

The President asked if there were requests to sever nominees.

Senator Howard requested that W. T. (Bill) Satterwhite, to be a Member of the Texas Board of Land Surveying, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and as reported by the Subcommittee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, School Land Board: LOLA L. BONNER (appointed by the Attorney General); FRED WULFF, McCullough County.

Member, Texas National Guard Armory Board: JAMES FELT CREWS, Brazoria County.

Member, Texas Youth Council: DR. GEORGE BETO, Walker County.

Members, Board of Directors, University System of South Texas: CLEMENTE GARCIA, Nueces County; MRS. MARY FRANCES HAAS, Nueces County; MRS. MARY LEWIS KLEBERG, Kleberg County.

Member, Texas Credit Union Commission: MAJ. GEN. LEROY W. SVENDSEN, JR., Comal County.

Members, Board of Trustees, Municipal Retirement System: VIRGIL C. GRAY, Brown County; JOSEPH MAURICE "JOE" NUESSLE, Midland County.

Members, Texas Rehabilitation Commission: JERRY KANE, Nueces County; WILLIAM C. MORROW, Midland County.

Members, Board of Directors, Lavaca County Flood Control District No. 3: ROBERT GINDLER, Lavaca County; LEON LOUIS KAHANAK, JR., Lavaca County; ALFRED NEUMEYER, JR., Lavaca County.

Members, Egg Marketing Advisory Board: RICHARD "DICK" DOTY, Nueces County; JAMES O. LIPSCOMB, Caldwell County; CARL SMITH, Fayette County.

Members, Prosecutor Council: HOWARD C. DERRICK, Schleicher County; DICK W. "SPEEDY" HICKS, Bandera County; CLAUDE J. KELLEY, JR., Gillespie County; JOE L. SCHOTT, Medina County.

Members, State Seed and Plant Board: J. OWEN GILBREATH, Lubbock County; DR. DAVID KOEPPE, Lubbock County; E.C.A. "ED" RUNGE, Brazos County; EDDIE LEE THOMPSON, McLennan County; CLIFF R. TODD, Travis County; BLAKE WILLIAMS, JR., Bexar County.

Member, Texas Commission on Alcoholism: MRS. MARGARET ELLEN BROWN SHARP, Dallas County.

Member, Polygraph Examiners Board: CHARLES M. NELSON, Gonzales County.

Member, Texas National Guard Armory Board: LEO BERMAN, Tarrant County.

Members, Family Practice Residency Advisory Committee: R. W. "BILL" BAIRD, Burnet County; E. J. MASON, M.D., Dallas County.

Members, Hospital Licensing Advisory Council: JIM BOB BRAME, M.D., Schleicher County; J. T. PALMER, Fisher County; JOE M. STEVENS, Gonzales County.

Member, Interagency Council on Early Childhood Intervention Services: ELIZABETH HARTMAN, Travis County.

Administrator, Non-Resident Violator Compact: GEORGE GRIFFIN, Travis County.

Members, Texas Board of Land Surveying: GAREY W. GILLEY, Tarrant County; DARRELL D. SHINE, Hardin County; WILLIAM C. "BILL" WILSON, JR., Tom Green County.

Members, Real Estate Research Advisory Committee: MRS. PATSY BOHANNAN, Midland County; BENNY McMAHAN, Dallas County; LAWRENCE MILLER, JR., Dallas County; JAMES R. PERRY, Haskell County.

Branch Pilot, Brazos Santiago Pass, Bar and Tributaries: CAPT. NEWTON R. PROHASKA, Cameron County.

Branch Pilots, Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPT. MERLIN W. HAYDON, JR., Nueces County; CAPT. JAMES F. WILKERSON, JR., Nueces County.

Judge, 271st Judicial District: JOHN R. LINDSEY, Jack County.

Judge, 293rd Judicial District: BENJAMIN A. MARTINEZ, Maverick County.

Judge, 64th Judicial District: JACK R. MILLER, Castro County.

District Attorney, 293rd Judicial District: AMADO JOSE ABASCAL III, Maverick County.

Associate Justice, 5th Court of Appeals: JAMES KYLE ALLEN, Dallas County.

Associate Justice, 7th Court of Appeals: JOHN T. BOYD, Hale County.

NOMINEE CONFIRMED

Senator Howard moved to suspend all necessary rules in order to consider the nomination immediately and confirm Justice Jack Pope as Chief Justice of the Supreme Court of Texas.

The motion prevailed and Justice Pope was confirmed by the following vote: Yeas 29, Nays 2.

Yeas: Blake, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Brooks, Washington.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Brooks and by unanimous consent, the Senate at 12:03 o'clock p.m. resolved itself into the Committee of the Whole Senate with Senator Santiesteban presiding.

IN LEGISLATIVE SESSION

The President at 12:08 o'clock p.m. called the Senate to order as In Legislative Session.

MEMORIAL RESOLUTIONS

S.R. 109 - By Doggett: Memorial resolution for Charles B. Lacey.

S.R. 114 - By Sims: Memorial resolution for Needham G. Horner.

S.R. 115 - By Sims: Memorial resolution for Dr. Kenneth Lindsey.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 110 - By Caperton: Commending Texas A&M University Student Government for their "Big Event" service project.

S.R. 111 - By Caperton: Extending welcome to the Memorial Student Center Political Forum from Texas A&M University.

S.R. 112 - By Uribe, Brooks: Extending congratulations to Brandy Scharmen.

S.R. 113 - By Sarpalius: Commending Judge Clarence C. Williams.

S.R. 117 - By Truan: Extending congratulations to Nueces and San Patricio counties and the City of Corpus Christi on the establishment of the Minority Business Development Center.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:08 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, February 7, 1983.

APPENDIX

Signed by Governor
(January 31, 1983)

S.C.R. 5

S.C.R. 9

S.C.R. 12

S.C.R. 13

(February 1, 1983)

S.B. 183 Effective immediately

H.C.R. 5

H.C.R. 19

H.C.R. 21

FOURTEENTH DAY

(Monday, February 7, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Williams.

Absent-excused: Lyon, Whitmire.

A quorum was announced present.

Ms. Margret Hofmann, Friends Meeting of Austin, offered the invocation as follows:

God,

Grant us the insight to comprehend that we are entrusted with the stewardship of this state, to use it and to improve it for the benefit of generations yet to come.

Instill in us a deep appreciation for the riches we enjoy: The freedom to assemble here and to speak our minds, yet not having to fear arrests or reprisals for opinions expressed.

How dare we ask You for anything while we have sufficient food, and there are no bombs destroying our homes, no guns killing our loved ones? But please, do make us mindful of the indescribable misery in which countless people, mostly little children, have to live in many of the countries beyond our own borders.

Fill us with compassion — more than compassion! With determination to act in behalf of those who have come to us from other states in order to escape poverty, and from other countries to escape tyranny.